

**REMARKS**

Claims 1-7 are pending in the present application. Claims 4-7 are withdrawn. Claims 1-3 are herein amended. No new matter has been entered.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by Li (US 6,911,129 B1). Favorable reconsideration is requested.

Applicants respectfully submit that Li does not teach or suggest:

said first single action edge acts to determine a film thickness gradient of a first material, said second single action edge acts to determine a film thickness gradient of a second material, and said third single action edge acts to determine a film thickness gradient of a third material, and

the film is a ternary phase diagrammatic system which is composed with the first, second and third materials

as recited in amended claim 1. Support for the amendment can be found, *e.g.*, in the specification at paragraphs 14, 29 and 30.

The Office Action cites mask 58 as corresponding with the single mask as recited in claim 1 and cites nuzzle slits 85A, 85B and 85C as corresponding with first, second and third single action edges as recited in claim 1. (Office Action, page 2.)

In the embodiment of Fig. 9, Li teaches using two or more nuzzle slits which may be arranged at the vertices of a triangle. However, nuzzle slits do not correspond with “a first, a second and a third single action edge” of “a single mask.” Li discloses that nuzzle slits are located at the exits of vapor source chambers. (Col. 7, lines 26-28.) Nuzzle slits have a throat associated with the slit which is shaped to produce a desired relative flow rate. (Col. 7, lines 28-37.) Li discloses that an example of a “nuzzle slit” is a garden hose nozzle. (Col. 7, lines 37-

39.) Thus, nuzzle slits do not correspond with “a first, a second and a third single action edge” of “a single mask.”

Furthermore, mask 58 and nuzzle slits 85A, B and C are taught in separate embodiments. Li does not teach or suggest combining the embodiments of Fig. 4 using a mask and the embodiment of Fig. 9 using nuzzle slits.

In the present invention as recited in claim 1, the first, second, and third single action edges act to determine film thickness gradients of respective materials by a “means for moving the mask” moving the mask. Li does not disclose that a ternary phase diagrammatic system is composed thereby.

Regarding claim 2, the claim recites the mask shape of Fig. 1. Li does not teach or suggest the mask shape as recited in the claim.

Therefore, Li does not teach or suggest the elements as recited in claims 1 and 2.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Fuller** (US 3,131,078) in view of **Li**. Favorable reconsideration is requested.

Applicants respectfully submit that neither Fuller nor Li teach or suggest:

said first single action edge acts to determine a film thickness gradient of a first material, said second single action edge acts to determine a film thickness gradient of a second material, and said third single action edge acts to determine a film thickness gradient of a third material, and

the film is a ternary phase diagrammatic system which is composed with the first, second and third materials

as recited in amended claim 1.

Fuller discloses in Figs. 7 and 9 the masking disk 75 having triangular apertures. However, said masking disk 75 is not for composing a ternary phase diagrammatic system.

In the present invention as recited in claim 1, the first, second, and third single action edges act to determine film thickness gradients of respective materials by a “means for moving the mask” moving the mask. Neither Fuller nor Li disclose that a ternary phase diagrammatic system is composed thereby.

Regarding claim 3, Applicants respectfully submit that the Office Action did not set forth a *prima facie* case of obviousness. The Office Action did not allege that the references disclose cutout sides having angles relative to a circumferential direction as recited in claim 3, or that these features would have been obvious.

For at least the foregoing reasons, claims 1-3 are patentable over the cited references. Accordingly, withdrawal of the rejection of claims 1-3 is hereby solicited.

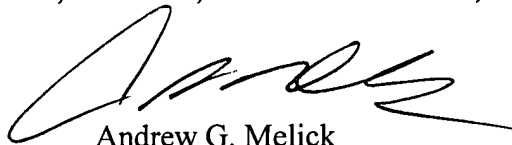
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 10/528,265  
Attorney Docket No.: 052267  
Amendment Under 37 C.F.R. § 1.111

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'Andrew G. Melick', with a stylized, flowing script.

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